

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

**MEMORANDUM**

16 Cr. 505-05 (NRB)

COREY ROPER,

Defendant.

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**NAOMI REICE BUCHWALD**

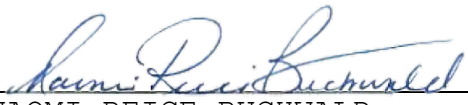
**UNITED STATES DISTRICT JUDGE**

This Court is in receipt of Mr. Roper's motion for home confinement pursuant to section 603(b) of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (2018) and 18 U.S.C. 3582(c)(1)(a), dated September 14, 2021, ECF No. 229, and his motion to reconsider our prior decision regarding his application for compassionate release/home confinement pursuant to 18 U.S.C. 3582(c)(1)(a), dated September 26, 2021, ECF No. 230.

On April 5, 2021, we denied Mr. Roper's prior motion for compassionate release. ECF No. 219. On April 26, 2021, Mr. Roper filed a notice appealing our decision. ECF No. 223. As a result, this Court lacks jurisdiction to address Mr. Roper's second motion for compassionate release or his motion to reconsider his initial motion during the pendency of the appeal. See Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) (filing a notice of appeal "confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case

involved in the appeal." ). While there has been no request for an indicative ruling under Federal Rule of Criminal Procedure 37, for the avoidance of doubt, we find that if we had jurisdiction, we would deny the motions for the same reasons stated in our April 5, 2021 Memorandum and Order.

Dated: New York, New York  
November 16, 2021

  
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NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

Defendant (pro se)

Corey Roper

A copy of the foregoing Memorandum has been mailed to:

Corey Roper, Fed. Reg. No. 77980054  
Federal Correctional Complex, Terre Haute  
P.O. Box 0033  
Terre Haute, Indiana 38708-0033